

GENERAL ORDINANCE NO. 760

BE IT ORDAINED by the Common Council of the City of Kendallville, Indiana:

Sec. 1 ADOPTION OF BURNING REGULATIONS.

There is hereby adopted by the City of Kendallville, Indiana for the purpose of prescribing regulations governing open burning in the City of Kendallville, Indiana. The requirements of this rule establish standards for open burning and applies everywhere in the city.

Sec. 2 NO PERSONS shall open burn any material except as provided in Sec. 3.

Sec. 3 EXEMPTIONS

The following types of fires are permitted:

1. Fires celebrating school pep rallies.
2. Fires used for recreational and cooking purposes, i.e., camp fires.
3. Residential burning: where residence contains two or fewer units. Burning shall be in a noncombustible container sufficiently vented to induce adequate primary combustion and with enclosed sides, a bottom, and mesh covering with openings no larger than one-fourth (1/4") square. From start of any outside burning to completion of that burning shall not be longer than 20 minutes. Burning is prohibited in apartment complexes and mobile home parks.
4. Leaf fires under conditions of Sec. 4.

Sec. 4 ALL EXEMPTIONS under Section 3 shall be subject to the following:

1. Only wood products or products derived from wood shall be burned unless otherwise stated above.
2. Fires shall be attended at all times until completely extinguished.
3. Burning will be allowed only between sunup and sunset.
4. If fires create a nuisance or a fire hazard, they shall be extinguished immediately.

5. No burning shall be conducted during unfavorable meteorological conditions such as temperature inversions, high winds, air stagnation, etc.
6. Leaf fires shall be allowed within the City of Kendallville under the following conditions:
 - a. Permit shall be obtained from Kendallville Fire Department.
 - b. Burning shall take place no less than 50 feet from nearest building or hazard area.
 - c. Burning shall be prohibited on city streets, alleys or other city property.
 - d. Burning shall not be permitted in congested neighborhoods.
 - e. All conditions of Sec. 4.

Sec. 5 VARIANCES

Burning with prior approval of the Kendallville Fire Department consistent with rule (326 IAC 4-1) shall be allowed for the following:

1. Emergency burning of spilled petroleum products when all reasonable efforts to recover the spilled material have been made and failure to burn would result in an imminent fire hazard or water pollution problem.
2. Burning of refuse consisting of material resulting from a natural disaster.
3. Burning for the purpose of fire training.
4. Burning of natural growth derived from a clearing operation, i.e. removal of natural growth for change in use of the land.
5. Burning of highly explosive or other dangerous materials for which no alternative disposal method exists or where transportation of such materials is impossible.

Sec. 6 BURNING NOT EXEMPTED by Sec. 5 of this code and “Indiana Administrative Code” (326 IAC 4-1-3) may be permitted with prior approval of the Kendallville Fire Department and receipt of a variance application and approval of the commissioner or the commissioners designated agent of the Indiana Air Pollution Control Board.

- Sec. 7 THIS ORDINANCE shall be jointly enforced by officers of the Kendallville Fire Department and Kendallville Police Department.
- Sec. 8 ANY Person who shall violate any of the provisions of this Ordinance hereby adopted shall receive a written warning of First (1st) Offense. Any person who shall violate any of the provisions of this Ordinance within 180 days of receiving written warning or fail to comply with any order made thereunder shall be guilty of a misdemeanor, punishable by a fine of not less than \$25.00 nor more than \$100.00.
- Sec. 9 THE COMMON COUNCIL of the City of Kendallville, Indiana hereby declares that should any section, paragraph, sentence or word of this ordinance hereby adopted be declared for any reason to be invalid, it is the intent of the Common Council of the City of Kendallville, Indiana that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.
- Sec. 10 DATE OF EFFECT:
- This ordinance shall take effect and be in force from and after its approval as required by law.

RESOLVED AND PASSED THIS 8TH DAY OF FEBRUARY, 1990.

John W. Riemke, Mayor

ATTEST:

Kimberly Forker
Clerk Treasurer